

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Section 3: Canjilon Creek

Subfile No. CHCJ-003-0061

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and moves the Court to vacate the Consent Order filed November 25, 2002 (Doc. 6948) in subfile CHCJ-003-0061 and as grounds therefore Plaintiff states as follows:

1. Ralph Gallegos Jr., signed and approved a Consent Order filed November 25, 2002 (Doc. 6948) in subfile CHCJ-003-0061 that incorrectly mapped the irrigated lands in that subfile. Defendants Norman D. Vigil and Rosalie E. Vigil have been substituted for Ralph Gallegos, Jr. by Order filed March 5, 2009 (Doc. 9425). The Vigils have approved a revised Consent Order in this subfile that was filed with the Court on March 3, 2009 (Doc. 9420). The Consent Order filed November 25, 2002, should be vacated.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed November 25, 2002 (Doc. 6948) in subfile CHCJ-003-0061.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of March, 2009 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Norman D. Vigil
Rosalie E. Vigil
7312 Calle Montana NE
Albuquerque, NM 87113

/s/ Ed Newville
Edward G. Newville